

COMMONWEALTH OF VIRGINIA
Department of Environmental Quality

Subject: Waste Guidance Memo No. 4-2006
SOLID WASTE PERMIT PRIORITIES

To: Regional Waste Program Managers, Solid Waste Permit Coordinator,
Waste Permitting Office Director

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Copies: Regional Directors, Deputy Regional Directors

Summary:

This guidance was developed to meet Opportunity 3, Task 4 of the Solid Waste Permit Efficiency Study. It establishes priorities for the review of solid waste permit applications when an accumulation of unfinished work results in delayed action or inability to complete reviews within specified timeframes. This prioritization strategy is based on environmental protection objectives, the hierarchy of preferred waste management methods, the Virginia Environmental Excellence Program, and the community and business needs.

Electronic Copy:

An electronic copy of this guidance is available on DEQ's website at <http://www.deq.virginia.gov/> The Permit Efficiency Study is available at: ____.

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SOLID WASTE PERMIT PRIORITIES

1. Introduction – This guidance was developed to meet Opportunity 3, Task 4 of the Solid Waste Permit Efficiency Study to prioritize the processing solid waste permit applications when an accumulation of unfinished work results in delayed action or inability to complete reviews within specified timeframes. It establishes the priorities on environmental protection objectives, the hierarchy of preferred waste management methods, the Virginia Environmental Excellence Program, and the community and business needs. This guidance includes some ‘non-permit review’ actions such as Alternate Source Demonstrations, Certificate to Operate Inspections, etc which are important to overall program performance.
2. Background – The Resource Conservation and Recovery Act, the Virginia Waste Management Act, and the Virginia Solid Waste Management Regulations require implementation of a State Solid Waste Program capable of protecting human health and the environment. Virginia’s Solid Waste Program achieves its mission and goals, in part, through effective and efficient issuance of enforceable permitting actions in a prioritized and timely manner. Prioritization assists with promptly addressing high-risk environmental sites while considering critical community or business needs to ensure adequate solid waste management options (including disposal capacity) for the Commonwealth.
3. Guidance – The following hierarchy serves as guidance for ranking permit actions for priority processing. Staff should work towards completing the highest priority issues first, addressing lesser significant issues between review cycles so the permitting queue progresses forward in a timely manner and without significant disruption. Timelines and time allocations for processing permit actions are outlined in the Solid Waste Permitting Manual. If a region experiences workload that go beyond available regional resources, the manager should consult with other regions and central office managers regarding available resources necessary to meet core program goals. Applications which address high priority issues should receive priority processing to ensure core program goals are met.

A. High

- 1) High risk issues associated with releases from facilities
- 2) High risk issues associated with closure of facilities;

B. Medium

- 3) VEEP E3 or E4
- 4) Community or Business continuity needs;
- 5) Upgrade of substandard facilities and regulatory mechanisms;
- 6) Promotion of Waste Management Hierarchy;

C. Low

- 7) Low risk issues associated with releases from facilities; and
- 8) Other actions as specified in Table 7-2

Details for each category are listed below.

A. HIGH PRIORITY

Tier 1: *Permit actions to control or remediate uncontrolled releases that have created (or are approaching) a substantial present or potential hazard to human health or the environment.* These include, but are not limited to, permit actions to control or remediate of:

- a. Decomposition gas(es) at levels above:
 - i. the LEL at facility property boundary; and
 - ii. 25% of the LEL in on-site structure (or nearest off-site structure).
- b. Any hazardous constituent(s) in groundwater above an Safe Drinking Water Act Maximum Contaminant Level (MCL) or Groundwater Protection Standard (GPS);
- c. Any solid waste, leachate, or hazardous constituent(s) in surface water;
- d. Any solid waste, leachate, or decomposition product/by-product released into the environment from a regulated unit other than specified above; or
- e. Review of Alternate Source Demonstrations.

Tier 2: *Permit actions to complete full or partial closure or post-closure care of a solid waste management unit.* These include, but are not limited to, permit actions to address closure or post-closure care such as:

- a. Review (and/or approval) of closure plans submitted w/in 180 days of beginning closure;
- b. Review (and/or approval) of closure plans for any Open Dump or unpermitted solid waste management site subject to an enforcement, administrative, or judicial order or other equivalent mechanism;
- c. Review (and/or approval) of Construction Quality Assurance/Quality Control (QA/QC) documents submitted by owner/operator verifying final cover construction and related documents submitted by a PE verifying land record notifications;
- d. Joint permit writer/inspector field inspection to confirm proper closure of any solid waste management unit or facility;
- e. Any necessary joint re-inspection to confirm closure (and initiate post-closure);
- f. Increase or termination of the post-closure care period; or
- g. Extensions beyond 6 month deadline for closure.

B. MEDIUM PRIORITY

Tier 3: *Permit actions for participants at level E3 or E4 of the Virginia Environmental Excellence Program.*

Tier 4: *Permit actions to support community or business continuity needs necessary to meet or maintain consistency with the approved local or state solid waste management plan.* These include, but are not limited to, permit actions to address:

- a. Application requests with statutory or regulatory mandated timeframes for initial reviews or final actions such as closure plans, permit-by-rule requests, Part A's, Part B's for recycling residues, etc. (Note: subsequent reviews should be prioritized based on significance unless otherwise mandated by statute or regulation);
- b. Expansion of landfills with less than 2 years of permitted disposal capacity where the:
 - i. designated solid waste planning unit exceeds the mandated recycling rate by more than 10%;

- ii. disposal capacity is necessary for the locality or designated region to meet the objectives of the approved solid waste management plan; and
 - iii. application was submitted at least 3 years prior to reaching capacity.
- c. Review (and/or approval) of Construction Quality Assurance/Quality Control (QA/QC) documents submitted by owner/operator verifying waste containment system construction and related documents submitted by a PE verifying facility construction;
- d. Objectives of an approved local (or designated regions) solid waste management plans such as replacement of a disposal facility with a treatment or storage facility;
- e. Changes in ownership or operational control of a permitted facility; or
- f. Upgrade facility design, operation, monitoring, closure, or post-closure care standards to meet the protection mandates by current regulation or permit standard.

Tier 5: *Permit actions to improve facility, regulatory mechanism(s), and planning unit performance.* These include, but are not limited to, permit actions to address:

- a. Expansion of landfills with less than 2 years of permitted disposal capacity where the:
 - i. designated solid waste planning unit meets or exceeds the mandated recycling rate by up to 10%;
 - ii. disposal capacity is necessary for the locality or designated region to meet the objectives of the approved solid waste management plan; and
 - iii. application was submitted at least 3 years prior to reaching capacity.
- b. Non-compliance with regulations or enforceability issues with existing permit;
- c. Mandates of enforcement or judicial action(s); or
- d. Improvement of facility design, operation, monitoring, closure, or post-closure care standards which enhance protection of human health and the environment above that required by current regulation or permit.

Tier 6: *Permit actions to promote implementation of the waste management hierarchy.* These include, but are not limited to, permit actions to support the development of comprehensive waste management operations that include, in the following preferred order:

- a. Resource Recovery Units: Composting, Energy Recovery, Material Recovery, Remediation;
- b. Treatment or Storage Units: RMW Treatment, Landfill Mining, Miscellaneous, RMW Storage, Transfer Stations, Surface Impoundments, Waste Piles;
- c. Incineration Units: RMW Incinerator and MSW Incinerator; and
- d. Expansion of landfills with less than 2 years of permitted disposal capacity where the designated solid waste planning unit has not met the mandated recycling rate and the disposal capacity is necessary for the locality or designated region to meet the objectives of the approved solid waste management plan

C. LOW PRIORITY

Tier 7: *Permit actions to address uncontrolled releases to the environment which do not present a substantial present or potential hazard to human health or the environment.* These actions include, but are not limited to control or remediation of:

- a. Decomposition gas(es);
- b. Any hazardous constituent(s) into groundwater;
- c. Any hazardous constituent(s) into surface water; and

- d. Any solid waste or decomposition byproduct from a solid waste management unit other than specified above.

Tier 8: *Other permit actions as specified in Table 7-2 of the Virginia Solid Waste Management Regulations.* These include, but are not limited to, permit actions such as:

- a. Decrease of the post-closure care period;
- b. Requests for an intake rate increase or expansion which is not necessary to meet or maintain consistency with the approved local or state solid waste management plan;
- c. Changes in post-closure use without need for additional provisions in the post-closure care plan;
- d. Design changes which are equivalent to current standards (e.g., liner material, etc.)
- e. Operational changes which are equivalent to current standards (e.g., equivalent equipment, etc.); and
- f. Other less significant minor amendments based on the date submitted.